Prohibitions and Export Assessment: Tracking ATT Implementation

Tobias Vestner
Head of Security and Law Programme
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How do states parties implement Articles 6 & 7 ATT?

→ looking at national legislation, regulations and policies

→ not looking at national transfer or export decisions
General Findings

→ mostly domestic legislation, regulations and policies as basis for arms transfer assessments and decisions

→ few states have adapted domestic legal framework for implementing Articles 6 & 7
Overarching Prohibitions

Art. 6(1)

→ sanctions-related legislation and measures

Art. 6(2)

→ specific legislation and sanctions-related measures

Art. 6(3)

→ national criteria on IHL and IHRL
Peace and Security

Art. 7(1)(a)

→ international and regional security and stability

→ national security

→ positive ramifications of exports on peace and security

→ exports’ effects on national defence industries
Serious Violations of IHL & IHRL

Art. 7(1)(b)(i) & Art. 7(1)(b)(ii)

→ assessment of general respect of IHL & IHRL

→ similar or nearly identical national criteria as in ATT

→ few national criteria preclude exports when importing state is involved in armed conflict & when importing state violates human rights in widespread and systematic manner
Terrorism, Transnational Organized Crime and Gender-Based Violence

Art. 7(1)(b)(iii) & Art. 7(1)(b)(iv) & Art. 7(4)
→ assessment of importing state’s general attitude and behavior regarding terrorism & transnational organized crime

→ assessment of risk and measures related to diversion

→ assessment of respect of IHL and IHRL
Additional Criteria

→ 27/58 states parties (47 %); have additional export criteria

→ 51/58 states parties (88 %); assess risk of diversion

→ foreign policy interests & respect of international obligations

→ criteria favoring arms exports
Threshold for Export Denial

Art. 7(3)

→ absolute thresholds for denial:
  ‘clear’, ‘high’, ‘substantial’, ‘reasonable suspicion’ & ‘avoid’

→ relative thresholds for denial:
  ‘take into account’, ‘consider’ & ‘assess’
Risk Mitigation Measures, Timely Authorization, Re-Assessment & Information-Sharing

Art. 7(2) → 35/58 states parties (60%)

Art. 7(5) → 50/58 states parties (86%)

Art. 7(6) → 52/58 states parties (90%)

Art. 7(7) → 47/58 states parties (79%)

Art. 8(3) → 40/58 states parties (70%)
Prohibitions and Export Assessment: Tracking Implementation of the Arms Trade Treaty

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Tobias Vestner
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